

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 4:09CR3031
)	
v.)	MOTION TO WITHDRAW
)	AS COUNSEL
LOWELL BAISDEN,)	
)	
Defendant.)	

Defendant's attorney, John C. Vanderslice, hereby moves to withdraw as counsel of record for Mr. Baisden. In furtherance of said motion, counsel states as follows:

1. Mr. Baisden raised allegations of ineffective assistance of counsel against defense counsel prior to being sentenced on January 26, 2012. An ex parte sealed hearing was held on defense counsel's motion to withdraw on January 25, 2012. Following said hearing, defense counsel's motion to withdraw was overruled.

2. Defendant instructed defense counsel to file his Notice of Appeal on February 7, 2012. The Notice of Appeal will be simultaneously filed. Counsel believes that one of the issues that defendant wishes to raise on appeal is whether defense counsel was ineffective in representing Mr. Baisden in this Court. Further, defense counsel believes that Mr. Baisden wants to raise the issue of whether this Court erred by requiring defense counsel to continue to represent him at sentencing. Thus, defense counsel has a direct conflict with being Mr. Baisden's appellate counsel before the Eighth Circuit Court of Appeals. Accordingly, defense counsel seeks to withdraw from further representing Mr. Baisden on appeal.

3. Defense counsel requests that a Criminal Justice Act attorney be appointed to represent Mr. Baisden on appeal.

WHEREFORE, based upon the above showing, AFPD Vanderslice requests an order permitting him to withdraw as defendant's counsel, and appointing a CJA attorney to represent Mr. Baisden on appeal.

DATED this 7TH day of February, 2012.

LOWELL BAISDEN, Defendant

By: /s/ John C. Vanderslice
John C. Vanderslice
Assistant Federal Public Defender
112 Federal Building
100 Centennial Mall North
Lincoln, Nebraska 65808
(402) 437-5871
Attorney for Defendant

CERTIFICATE OF SERVICE

Assistant Federal Public Defender John C. Vanderslice hereby certifies that he has caused a true copy of the foregoing document to be served upon AUSA Steve Russell by CM/ECF on this 7TH day of February, 2012.

/s/ John C. Vanderslice
John C. Vanderslice